

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No. 5773 of 1998

Between:

K. Sivaji Rao S/o K. Hemambara Das
R/o Guntur, Guntur Dist.

..... PETITIONER

AND

- 1 Acharya N.G. Ranga Argicultural University rep. by Regiatar
Rajendranagar, Hyderabad
- 2 The Registrar, Acharya N.G. Ranga Argicultural University
Rajendranagar, Hyderabad

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction preferably one in the nature of Writ of Mandamus, to declare the proceedings No.18769/SER V(A1)/97 dt: 29-5-1997 and the consequential proceedings even No. dt: 21-7-1997 as arbitrary and illegal and further direct the respondents to fixing the seniority and other consequential benefits including terminal benefits on par with my juniors Sri T. Ganga Raju and P. Rameswara Rao, and others below Sri K.B.Pitchi Reddy

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to declare the Proceedings dated 29-5-1997 and also the consequential Proceedings dated 21-7-1997 of the respondent-University as arbitrary and illegal and consequently to direct the respondents to fix the seniority of the petitioner on par with T. Ganga Raju and P. Rameswara Rao and below K.B. Pitchi Reddy and pay all consequential benefits.

There is no necessity of going into all the details. It is suffice to notice that the petitioner, when he was not promoted to the post of Senior Assistant along with others, filed Writ Petition No.3386 of 1986. In view of the interim order passed on 28-3-1986 in the said Writ Petition, his case was considered and he was promoted to the post of Senior Assistant. Thereafter, the Writ Petition was closed on 23-12-1988 without passing any further orders.

The petitioner filed a representation on 11-11-1996 seeking refixation of his seniority on par with T. Ganga Raju and P. Rameswara Rao and also sought for consequential benefits, such as, further promotion etc. The said representation was disposed of through Proceedings dated 29-5-1997 of the respondent-University stating that the case of the petitioner does not merit consideration and his claim is not tenable. Again, he filed a representation on 16-6-1997 seeking the same relief and the same was also rejected by the University by Proceedings dated 21-7-1997. Aggrieved by the same, the present Writ Petition is filed.

In the impugned Proceedings itself, it is categorically mentioned that those two persons, namely, T. Ganga Raju and P. Rameswara Rao, purported to be juniors to the petitioner, altogether belong to a different unit called Administrative Office Unit, whereas the petitioner belongs to College/Research unit. So far as the promotion to the post of Senior Assistant is concerned, it is based on the seniority in each unit. May be, the petitioner was seniormost when he was appointed to the post of Junior Assistant; but that itself does not mean that he is entitled for promotion on par with the said T. Ganga Raju and P. Rameswara Rao, who were, admittedly, seniors in their unit and they have been promoted according to their turn. The turn of the petitioner for promotion as Senior Assistant was fifth in fourth cycle in College/Research unit. In view of this position, that is the fifth vacancy in the fourth cycle, the petitioner's promotion to the post of Senior Assistant got delayed. Even

otherwise, nothing prevented the petitioner from working out his remedies in the earlier Writ Petition filed before this Court. In fact, he was satisfied with the interim orders passed on 28-3-1986 and the promotion given to him pursuant to the said interim orders. Having accepted the same as early as in 1986, he raked up the very same issue as to fixing of seniority and promotion to the post of Senior Assistant and further promotion, in the month of November, 1996 i.e. after more than a decade. During the pendency of the Writ Petition, the petitioner attained the age of superannuation and retired from service. The reasons furnished in the impugned Order themselves would speak that the petitioner belong to a different unit and his turn was the fifth place in the fourth cycle in the College/Research unit and the said T. Ganga Raju and P. Rameswara Rao belong to Administrative Unit. Therefore, the contention of the petitioner that his juniors were promoted to the post of Senior Assistant along with the said persons and also he is entitled for further promotion cannot be countenanced. The Writ Petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

17-8-2005

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